

**Service of Process Transmittal Summary**

TO: Betsy Gassaway, Director Legal Support
Union Pacific Railroad Company
1400 Douglas St
Omaha, NE 68179-0002

**EXHIBIT
A**

RE: Process Served in Nevada

FOR: Union Pacific Railroad Company (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: PHILLIP SPEARS, an individual // To: Union Pacific Railroad Company

CASE #: A24896760C

NATURE OF ACTION: Personal Injury - Vehicle Collision

PROCESS SERVED ON: C T Corporation System, Carson City, NV

DATE/METHOD OF SERVICE: By Process Server on 08/26/2024 at 16:15

JURISDICTION SERVED: Nevada

ACTION ITEMS: CT will retain the current log

Image SOP

Email Notification, Betsy Gassaway bsgassaw@up.com

Email Notification, Betsy Gassaway bsgassaw@up.com

Email Notification, Lena Waterkotte lawaterkotte@up.com

Email Notification, Kelly Gearhart kmgearhart@up.com

Email Notification, Leslie Robinson lnrobins@up.com

REGISTERED AGENT CONTACT: C T Corporation System
701 S. Carson Street
Suite 200
Carson City, NV 89701
866-401-8252
LargeCorporationTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

PROCESS SERVER DELIVERY DETAILS

Date: Mon, Aug 26, 2024
Server Name: Drop Service

Entity Served	UNION PACIFIC RAILROAD COMPANY
Case Number	A-24-896760-C
Jurisdiction	NV

Inserts		



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1 PAUL S. PADDALAW, ESQ.
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 7 *Attorneys for Plaintiffs*

CASE NO: A-24-896760-C
 Department 11

DISTRICT COURT

CLARK COUNTY, NEVADA

11 PHILLIP SPEARS, an individual,

12 Plaintiff,

13 vs.

14 UNION PACIFIC RAILROAD COMPANY,
 15 a Delaware Corporation; D.W. BALDWIN,
 16 individually; S.P. LEACH, individually;
 17 DOES I through XX, inclusive; and ROE
 BUSINESS ENTITIES I through XX,
 18 inclusive

19 Defendants.

CASE NO.

DEPT. NO.

SUMMONS

20 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST**
 21 **YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS.**
 22 **READ THE INFORMATION BELOW.**

UNION PACIFIC RAILROAD COMPANY

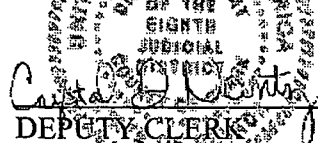
23 A civil complaint has been filed by the Plaintiff against you for the relief set forth in the
 24 complaint.
 25

- 26 1. If you intend to defend this lawsuit, within 21 calendar days after this Summons
 27 is served on you, exclusive of the day of service, you must:
 28

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- a. File with the Clerk of the Court, whose address is shown below, a formal written response to the complaint in accordance with the rules of the court with the appropriate filing fee.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of Plaintiff, and this court may enter a judgment against you for the relief demanded in the complaint, which could result in the taking of money or property or other relief requested in the complaint.
 3. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members, and legislators each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the complaint.

STEVEN D. GRIERSON
CLERK OF THE COURT


Crista D. Banta 7/3/2024
DEPUTY CLERK Date
Eighth Judicial District Court of Nevada
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Respectfully Submitted by:

PAUL PADDA LAW, PLLC

By: /s/ Eric R. Larsen
Eric R. Larsen, ESQ.
Nevada Bar No. 9423
4560 South Decatur Boulevard, Suite 300
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Electronically Filed
7/3/2024 10:43 AM
Steven D. Grierson
CLERK OF THE COURT



COMP

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CASE NO: A-24-896760-C
Department 11

Attorneys for Plaintiff Phillip Spears

**DISTRICT COURT
CLARK COUNTY, NEVADA**

PHILLIP SPEARS, an individual,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY, a
Delaware Corporation; D.W. BALDWIN,
individually; S.P. LEACH, individually; DOES
I through XX, inclusive; and ROE BUSINESS
ENTITIES I through XX, inclusive

Defendants.

Case No.:

Dept.:

COMPLAINT

JURY TRIAL REQUESTED

COMES NOW, Plaintiff, PHILLIP SPEARS, by and through his counsel of record, Eric
R. Larsen, Esq., of Paul Padda Law, and hereby complains and alleges against Defendants,
UNION PACIFIC RAILROAD, J.W. BALDWIN, and S.P. LEACH as follows:

1

Phillip Spears v. Union Pacific Railroad Company, et. al.

Eighth Judicial District Court

Complaint

PPL No. 205628-10-01

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I.
JURISDICTION

1. At all times relevant herein, Plaintiff, PHILLIP SPEARS (hereinafter "SPEARS"), was a resident of Pomona, California.

2. Upon information and belief, at all times relevant herein, Defendant, UNION PACIFIC RAILROAD COMPANY (hereinafter "UNION PACIFIC"), is and was a Delaware corporation licensed to do business in the State of Nevada as an interstate carrier by rail, with tracks, employees, offices, equipment, and other facilities located in North Las Vegas, Nevada. UNION PACIFIC was the owner of Union Pacific Train #8157 that was involved in the subject collision, and was responsible for the maintenance of the railroad crossing located in the vicinity of 6600 Range Road in North Las Vegas, Nevada.

3. Upon information and belief, at all times relevant herein, Defendant, D.W. BALDWIN (hereinafter "BALDWIN"), was an engineer who was operating Union Pacific Train #8157 in the course and scope of his employment with UNION PACIFIC.

4. Upon information and belief, at all times relevant herein, Defendant, S.P. LEACH (hereinafter, "LEACH"), was an engineer who was operating Union Pacific Train #8157 in the course and scope of his employment with UNION PACIFIC.

5. The identities of the Defendants, Does I through XX, are unknown at this time and may be individuals, partnerships, or corporations. Plaintiff alleges that each of the Defendants designated herein as Doe Defendants are responsible in some manner for the damages herein alleged. Specifically, each of these defendants were in control of the train that caused the collision at issue in this lawsuit, owned the property where the subject collision occurred, were responsible

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1 for the maintenance of the crossing where the accident occurred, were responsible for the
2 locomotive involved in the collision, were responsible for sounding the locomotive's horn as it
3 approached the crossing where the collision occurred, or were in some other manner responsible
4 for the injuries and damages claimed by Plaintiff in this lawsuit. Plaintiff will request leave of
5 Court to amend their Complaint to name the Defendants specifically when their identities become
6 known.
7

8 6. The names and capacities, whether individual, corporate, associates, co-
9 partnership, or otherwise of Defendants named herein as Roe Corporations I through XX,
10 inclusive, are unknown to Plaintiffs who therefore sue said Defendants by such fictitious names.
11 Plaintiff alleges that each of the Defendants designated herein as Roe Corporations are
12 responsible in some manner for the damages herein alleged. Specifically, each of these
13 defendants were in control of the train that caused the collision at issue in this lawsuit, owned the
14 property where the subject collision occurred, were responsible for the maintenance of the
15 crossing where the accident occurred, were responsible for the locomotive involved in the
16 collision, were responsible for sounding the locomotive's horn as it approached the crossing
17 where the collision occurred, or were in some other manner responsible for the injuries and
18 damages claimed by Plaintiff in this lawsuit. Plaintiffs will ask leave to amend this Complaint to
19 substitute the true names of said Defendants when their identities become known. Plaintiffs are
20 informed and believe and thereupon allege that the Defendants so designated herein as Roe
21 Corporations I through XX, inclusive, are responsible in some manner for their agency,
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1 master/servant or joint venture relationship with said Defendants, or otherwise contributed to, as
2 a proximate cause, the events complained of herein.

3 7. That the facts and circumstances giving rise to the subject action occurred within
4 the County of Clark, State of Nevada.

5 8. Plaintiff has been required to retain the services of undersigned counsel to
6 prosecute this action and is entitled to reasonable attorney's fees and costs incurred herein.
7

8 **II.**
9 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

10 9. On or about July 13, 2022, SPEARS was the operator of a 2017 Freightliner
11 tractor trailer in the vicinity of a railroad crossing at 6600 Range Road in North Las Vegas,
12 Nevada.

13 10. At said time and place, Defendants BALDWIN and SPEARS were engineers who
14 were responsible for the safe operation of Union Pacific Train #8157 while in the course and
15 scope of their employment with UNION PACIFIC.
16

17 11. At said time, BALDWIN and SPEARS were operating Union Pacific Train #8157
18 in the vicinity of 6600 Range Road, North Las Vegas, Nevada.

19 12. At said time and place, SPEARS had gotten lost due to a change in traffic patterns
20 in the area, and he was trying to find his way back to the freeway. He was heading northbound
21 on Range Road when he approached the railroad crossing in the vicinity of 6600 Range Road.
22 The crossing had no guards, barriers, flashing lights, or audible signals to warn drivers of
23 approaching trains.
24

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13. At that time, Union Pacific train #8157 was approaching the crossing at a speed of approximately 55 miles per hour. As the train approached the crossing, it failed to sound any audible signals to warn drivers in the vicinity of its approach.

14. At that time, SPEARS attempted to cross the railroad tracks, and the tractor trailer he was operating was violently struck by the UNION PACIFIC train.

15. The subject accident occurred within the County of Clark, State of Nevada.

16. Plaintiff suffered serious and debilitating bodily injuries and emotional distress as a result of the subject accident.

III.
FIRST CAUSE OF ACTION
(Negligence –BALDWIN, and LEACH)

17. Plaintiffs repeat, re-allege, and incorporate herein by reference paragraphs 1 through 16 above as if fully set forth herein.

18. Defendants BALDWIN and LEACH owed Plaintiff a duty to sound the horn on Union Pacific train #8157 as it approached the crossing where the collision occurred.

19. BALDWIN and LEACH breached their duty to Plaintiff by failing to sound the horn on Union Pacific train #8157 to warn SPEARS of the train's approach to the crossing.

20. BALDWIN and LEACH were each acting in the course and scope of their employment with UNION PACIFIC at the time. UNION PACIFIC, therefore, is vicariously liable for BALDWIN's and LEACH's failure to sound the train's horn to warn SPEARS of the approaching train.

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21. As a direct and proximate cause of the negligence of Defendants, Plaintiff was seriously injured and caused to suffer great pain of body and mind, all or some of which may be permanent and disabling in nature. On account of the foregoing, Plaintiff is entitled to general and compensatory damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

22. As a further direct and proximate result of the negligence of Defendants, Plaintiff incurred expenses for medical care, treatment, and expenses incidental thereto, and Plaintiff may be required to incur future expenses for medical care and treatment.

23. Plaintiff has been required to retain the services of an attorney to prosecute this action and is entitled to reasonable attorney's fees and costs incurred herein.

IV.
SECOND CAUSE OF ACTION
(Negligence UNION PACIFIC)

24. Plaintiffs repeat, re-allege, and incorporate herein by reference paragraphs 1 through 23 above as if fully set forth herein.

25. At all times mentioned herein, UNION PACIFIC owed Plaintiff a duty of care to properly maintain the railroad crossing in the vicinity of 6600 Range Road, North Las Vegas, Nevada.

26. UNION PACIFIC breached its duty of care to Plaintiff by failing to install appropriate signs, guards, gates, lights, and/or audible signals to warn drivers of an approaching train.

27. As a direct and proximate cause of the negligence of Defendants, Plaintiff was seriously injured and caused to suffer great pain of body and mind, all or some of which may be

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1 permanent and disabling in nature. On account of the foregoing, Plaintiff is entitled to general
 2 and compensatory damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

3 28. As a further direct and proximate result of the negligence of Defendants, Plaintiff
 4 incurred expenses for medical care, treatment, and expenses incidental thereto, and Plaintiff may
 5 be required to incur future expenses for medical care and treatment.
 6

7 29. Plaintiff has been required to retain the services of an attorney to prosecute this
 8 action and is entitled to reasonable attorney's fees and costs incurred herein.

9 WHEREFORE, Plaintiffs respectfully request the following relief:

10 That the Court set this matter for a jury trial pursuant to Nevada Rule of Civil Procedure 38;

11 1. For past and future general damages and loss in an amount in excess of FIFTEEN
 12 THOUSAND DOLLARS (\$15,000.00);
 13

14 2. For past and future special damages in an amount to be determined at time of trial;

15 3. Costs of suit, reasonable attorney's fees, and pre- and post-interest incurred herein;

16 and
 17

18 4. For other and further relief as is just and proper.

19 DATED this 3rd day of July, 2024.

20 **PAUL PADDA LAW, PLLC**

21 /s/ Eric R. Larsen

22 ERIC R. LARSEN, ESQ.

23 Nevada Bar No. 9423

24 4560 S. Decatur Boulevard, Ste. 300

25 Las Vegas, Nevada 89103

26 Attorney for Plaintiff,

27 PHILLIP SPEARS